



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

SEP 16 2017

Ms. Jennifer Orr, Director  
Compacts and Commissions Office  
Department of Environmental Protection  
Rachel Carson State Office Building  
P.O. Box 8465  
400 Market Street  
Harrisburg, PA 17105-8465

Dear Ms. Orr:

The Environmental Protection Agency (EPA) would like to congratulate the Pennsylvania Department of Environmental Protection (PADEP), Nonpoint Source (NPS) program, for the successful development, implementation and reporting of NPS watershed restoration projects across the Commonwealth. EPA would also like to acknowledge the efforts of all the staff, partners and other stakeholders who have played roles in the NPS program success throughout the past year. As a result of these efforts, Pennsylvania has reported Phosphorus load reductions of 2,962 pounds per year, and Nitrogen load reductions of 20,505 pounds per year. Enclosed, please find an end of the year review of PADEP's effort towards achieving satisfactory progress in the implementation of the NPS program. EPA's determination that PADEP has achieved satisfactory progress for their NPS Program for FY16 is based on the analysis of the program, FY2016 NPS Annual Report, the Grants Tracking and Reporting System (GRTS), and completion of the Checklist for Determining Progress of Pennsylvania FY16 NPS Management Program.

The FY16 Section 319 NPS program grant awarded to Pennsylvania includes both NPS program funds and watershed project funds totaling \$4,643,006. The NPS program funds support overall program management and administration, while the watershed project funds support watershed restoration projects in the highest priority areas of the Commonwealth. These projects ultimately contribute to the attainment of Water Quality Standards set for each stream segment. Finally, EPA and PADEP continue to collaborate on improving data in the Grants Reporting and Tracking System and the Watershed Plans Tracker. Pennsylvania now has 36 Watershed Based Plans (WBPs) approved, and continues to be a leader in their use of the Watershed Plans Tracker with all 36 WBPs included.

Thank you for your continued dedication to developing WBPs and implementing watershed restoration projects that are leading to significant water quality improvements across



the state. Should you have any questions please contact me or have your staff contact Mr. Michael D. Hoffmann, EPA's Pennsylvania NPS Program Manager at 215-814-2716.

Sincerely,



Michelle Price-Fay  
Associate Director  
Office of State and Watershed Partnerships  
Water Protection Division

Enclosure

cc: Aaron Ward, PA DEP, Watershed Support Section Chief (Acting)  
Fred Suffian, EPA R3  
Michael D. Hoffmann, EPA R3  
Bernie McCullagh, EPA R3



**Checklist for Determining Progress of Pennsylvania Department of Environmental Protection's Nonpoint Source Program – FFY16**

Regions should review the progress that each State is making in implementing its nonpoint source (NPS) management program and provide written documentation of this progress. Specifically, and at a minimum, prior to awarding the FY17 grants under Section 319(h), Regions should document the extent to which each State meets foundational aspects of program progress and 319 grant management. For this guidance the following approach applies. These aspects should be assessed as a whole in making a determination, with each response constituting information, or a line of evidence, that will lead towards a decision based on the region's best professional judgment. Regions retain latitude for how each checklist response is weighted and have the flexibility to incorporate additional considerations in their determinations; negative responses to a question may be supplemented with a justification or description of a corrective action underway.

The final determination of progress of State NPS management programs is to be made by the Regional Administrator or delegated authority. The checklist for this determination should be completed by the appropriate regional 319 program staff (typically, the CWA Section 319 Grant Project Officer for non-PPG awards and the CWA Section 319 NPS Program Coordinator for states that include 319 grant awards in a PPG) and included with the documentation for the grant.

**1. Meeting Statutory and Regulatory Requirements and Demonstrating Water Quality Results**

A. Section 319(h)(8) requires EPA to determine if a state has made satisfactory progress in meeting a schedule of annual milestones to implement its NPS management program.

- i) Does the state's NPS management program include relevant, up-to-date and trackable annual milestones for program implementation?

*Pennsylvania's NPS management program includes relevant and trackable annual milestones for program implementation. The management program plan has been updated and a final approval letter was mailed from EPA Region 3 to the Pennsylvania Department of Environmental Protection on September 22, 2015.*

- ii) If the state does not yet include up-to-date annual milestones in its NPS management program, in what document(s) is this schedule located?

N/A

- iii) Has the state reported its progress in the annual report required under CWA section 319(h)(11) in meeting its milestone(s) for the preceding fiscal year?

*Yes, each year the Commonwealth produces an annual program report and a semiannual performance report that covers progress made during the previous fiscal year. The Grants Reporting and Tracking System (GRTS) reports describe outputs, including load reductions, the Annual Program Report describes overall program progress, including watershed plan implementation and water quality improvements and the success stories show water quality restorations. These reports describe the majority of outputs and outcomes that demonstrate the progress made meeting milestones and achieving their annual programmatic goals.*

- iv) Has the state demonstrated satisfactory progress in meeting its schedule of milestone(s) for the preceding fiscal year? Briefly elaborate. (If no, in accordance with CWA section 319(h)(8), the 319 grant award for the coming year cannot be awarded.)

*Yes, Pennsylvania has demonstrated satisfactory progress in GRTS, the semiannual grant performance report, the Annual Program Report and the development of annual Success Stories.*

- B. Section 319(h)(11) requires each state to report on an annual basis reductions in NPS pollutant loading and improvements in water quality.

- i) For all active projects that have NPS reduction goals for nutrients or sediment, did the state report load reductions (WQ-9) into GRTS during the reporting period after the first year that practices were installed or implemented achieved?

*Yes, the state reported load reductions into GRTS during the reporting period after the first year that practices were installed or implemented. Pennsylvania reported Phosphorus load reductions of 2,962 pounds per year, and Nitrogen load reductions of 20,505 pounds per year.*

- ii) Considering projects and activities from all open grants as applicable, has the state reported improvements in water quality resulting from implementation of its NPS management program and/or previous years' section 319(h) grant work plans? (e.g., reporting on SP-12 or other improvements such as shellfish bed and beach openings that have not yet led to attainment of water quality standards)?

*Yes, Pennsylvania reports load reductions in both their annual program report and in GRTS. Incremental water quality improvements from grant projects are also included in their annual report.*



- iii) Did the state meet its annual commitment/target/goal (if any) under WQ-10 to remove impaired waters from the 303(d) list?

*Yes, PADEP submitted two success stories for FY 2016, Bennett Branch and Lake Wallenpaupack. Lake Wallenpaupack is a Type I Success Story which was approved and can be found at: [https://www.epa.gov/sites/production/files/2016-12/documents/pa\\_wallen\\_508.pdf](https://www.epa.gov/sites/production/files/2016-12/documents/pa_wallen_508.pdf) Bennett Branch is a Type II Success Story which was approved and can be found at: [https://www.epa.gov/sites/production/files/2016-05/documents/pa\\_bennett\\_508\\_0.pdf](https://www.epa.gov/sites/production/files/2016-05/documents/pa_bennett_508_0.pdf)*

## **2. Overall GRTS Reporting**

For this section, it is sufficient to report on the results of previously conducted post-award grants monitoring. No additional monitoring may be needed.

- A. To ensure that the state meets the reporting requirements in section 319(h)(11), did the state enter all mandated data elements into GRTS (including geolocation tags where available) for all applicable projects in the previous section 319 grant award?

*Yes. The following is data found in the PA metric report (8/31/17):*

- 1) Percentage of Projects with Appropriately Dated Evaluations – 98%*
- 2) Projects Completed and Accepted by EPA – 85%*
- 3) Percent of Projects with Georeference Tags – 100%*
- 4) Incrementally Funded Projects with BMPs – 91%*
- 5) Percent of Projects with Actionable BMPs with Current Load Reductions-93%*
- 6) Percent of projects on schedule – 98%*

## **3. Focus on Watershed-Based Implementation**

For this section, it is sufficient to document the results of previous findings, if this was determined during the Region's reviews of the state's active grant work plans.

- A. Is the state implementing nine-element watershed-based plans – or approved alternative plans - at required grant expenditure levels in accordance with EPA's guidelines for CWA section 319(h) grants? That is, in FY14 and subsequent years, was 50% of the state's grant used to implement watershed based plans, unless the state provided state funding for watershed projects equal to its total section 319 allocation? If no, please explain.

*Yes, the Commonwealth uses watershed project funding at required grant expenditure levels in accordance with EPA's guidelines for CWA section 319(h) grants to implement nine-element watershed based plans. Currently, 36 approved WIPs are being implemented in Pennsylvania. The Commonwealth has been very cooperative in*

*working with the Region in entering and managing data in GRTS and the Watershed Plan Tracker.*

#### 4. Ensuring Fiscal Accountability

For this section, it is sufficient to briefly report on the results of previously conducted grants management and oversight required of all grants.

A. Tracking and Reporting - For all active section 319(h) grants, using existing post-award monitoring or best professional judgment:

- i) Is the state's RFP process efficient and timely for selecting and funding projects within the work plan timeframe?

*Yes. Projects are routinely selected within the allotted work plan timeframes.*

- ii) Did the State obligate all of the 319(h) funds in the previous year's award within one year per current 319 grant guidelines?

*Yes; the Commonwealth obligates their funding within one year of the grant award.*

B. Rate of Expenditures - For categorical grants, include and examine a summary of expenditures for all open section 319 grant awards listing the following: state; grant #; FY; project period; grant award amount; balance (unliquidated obligation); percent unliquidated obligation. See example below, which contains information readily available through Compass, EPA's financial data warehouse. This information could also be obtained from other EPA tools such as GRTS or the Post Award Baseline Tracking Tool. Include a state total of grant award amount, balance and percent unliquidated obligation. Please reference the source and date of information used to answer the question below.

**GRTS – August 31<sup>st</sup>, 2017**

Grant Number	Initial Award	Cumulative Award	Anticipated Project Completion Date	Award Fiscal Year	Obligated Amount	Draw Down Amount	%ULO (Unliquidated Obligation)	% Grant Budget Expended (Avg. of All Grant Years)	Currently Available Funds (Balance or ULO)
00349813	\$3,456,800	\$4,379,000	9/30/2017	2013	\$4,369,000	4,021,668	8%	92%	347,332
00349814	\$3,199,000	\$4,672,162	9/30/2018	2014	\$4,622,162	3,891,551	16%	84%	730,611
00349815	\$4,574,916	\$4,584,916	9/30/2019	2015	\$4,574,916	2,441,780	47%	53%	2,133,136
00349816	\$4,643,006	\$4,653,006	9/30/2020	2016	\$4,643,006	1,440,351	69%	31%	3,202,655
<b>Grand Total</b>					<b>\$18,209,084</b>	<b>11,795,350</b>	<b>35%</b>	<b>65%</b>	<b>6,413,734</b>

- i) Relying on best professional judgment, do the figures in the Rate of Expenditures chart substantially match the expected drawdown rates or the negotiated outlay strategy from the associated grant work plan schedules? If not, briefly explain.

*Yes; in addition, baseline monitoring is performed on all open grants annually.*

**5. PPG Considerations**

For states that include section 319 funds in Performance Partnership Grants (PPGs), briefly report on the following.

*N/A*

- A. Has the state followed the goals, objectives and measures of the national program guidelines and priorities in implementing its NPS program? If not, did the state negotiate with the EPA region a work plan that differs significantly from the NPM guidance? (If yes, the EPA Region was required to consult with the NPS NMP.) Please explain.
- B. Do PPG priorities and commitments include relevant, up-to-date and trackable annual milestones for implementation of state's NPS management program?
- C. Using best professional judgment, has the state adequately documented progress consistent with its priorities and commitments?

**6. Identifying and Addressing Performance Issues/Progress Concerns**

- A. Considering issues itemized on this checklist, briefly summarize any significant outstanding section 319 grant performance issues or progress concerns, including recommendation(s) for corrective action(s). For states with out-of-date NPS management programs or schedule of milestones, Regions are to ensure that forthcoming section 319 grant award are contingent on completing these program or milestone updates.

*Pennsylvania has no significant outstanding section 319 grant performance issues or progress concerns. There is no need for a contingency, since the state has an approved updated final NPS Program Management Plan in place.*

- B. Are there other significant outstanding section 319 grant performance issues or progress concerns that were not identified through this checklist? If so, please describe, including any recommendation(s) for corrective action(s), as may be appropriate.

*There are no significant outstanding Section 319 NPS program performance issues or progress concerns. EPA and PADEP continue to collaborate on improving data reporting in GRTS and the Watershed Plans Tracker. Pennsylvania submitted and*

*revised its 2014 NPS Program Management Plan based on EPA's comments, and a final approval letter was mailed from EPA Region 3 to the Pennsylvania Department of Environmental Protection on September 22, 2015.*